



GP3644

Practitioner's Docket No. 57152 (70551)  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: M. Hamamoto, et al.  
Application No.: 10/085,181  
Filed: February 27, 2002  
For: MOVING APPARATUS

Group No.: 3644  
Examiner: Dinh, Tien Quang

Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is  
☐ a small entity. A statement:  
☐ is attached.  
☐ was already filed.  
☒ other than a small entity.

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APR 02 2003  
GROUP 3600

EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G.

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☐ transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_-\_\_\_\_.

Kathryn A. Grindrod  
Signature

Date: March 24, 2003

Kathryn A. Grindrod  
(type or print name of person certifying)

34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

	Extension. (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 410.00	\$ 205.00
<input type="checkbox"/>	three months	\$ 930.00	\$ 465.00
<input type="checkbox"/>	four months	\$ 1,450.00	\$ 725.00
<input type="checkbox"/>	fifth month	\$ 1,970.00	\$ 985.00

Fee: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

*(check and complete the next item, if applicable)*

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

**OR**

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

	(Col.1)		(Col. 2)	(Col. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee	OR Rate Addit. Fee
Total	*	Minus	20	=	x \$9 =	\$	x \$18 = \$
Indep.	*	Minus	3	=	x \$42 =	\$	x \$84 = \$
[ ] First Presentation of Multiple Dependent Claim					+ \$140 =	\$	+ \$280 = \$
					Total Addit. Fee	\$____	OR Total Addit. Fee \$____

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,  
 \*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".  
 \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".  
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

- (c) [ X ] No additional fee for claims is required.

OR

- (d) [ ] Total additional fee for claims required \$ \_\_\_\_\_.

## FEE PAYMENT

5. [ ] Attached is a check in the sum of \$ \_\_\_\_\_.  
 [ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
 A duplicate of this transmittal is attached.

## FEE DEFICIENCY

*NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

## AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.

Respectfully submitted

Date: March 24, 2003

By:

David A. Tucker  
David A. Tucker  
Reg. No. 27,840  
Attorney for Applicant(s)

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330068



Docket No. 57152 (70551)

#5/10/03  
Dentley  
4/5/03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT(S): M. Hamamoto, et al.

SERIAL NO: 10/085,181

EXAMINER: Dinh, Hien Quang

FILED: February 27, 2002

GROUP: 3644

FOR: MOVING APPARATUS

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APR 8 2003  
GROUP 3600

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC, 20231 on March 20, 2003.

By: Kathryn A. Grindrod  
Kathryn A. Grindrod

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**RESPONSE TO NON-FINAL OFFICIAL  
ACTION REQUIRING ELECTION/RESTRICTION**

This is in response to the currently outstanding non-final Official Action in the above-identified case dated 24 February 2003.

In the currently outstanding non-final Official Action, the Examiner has:

1. Identified the following species of the present invention that he alleges to be patentably distinct from one another:

Species A that refers to Figs. 1-10, 14-16 and 37-39

Species B that refers to Figs. 11, 14-16, 37-39

Species C that refers to Figs. 12, 14-16, 37-39

Species D that refers to Figs. 13-16, 37-39

Species E that refers to Figs. 15-37

2. Required the Applicants to elect one of the foregoing species under 35 USC 121 for prosecution on the merits to which the claims shall be restricted in the event that no generic claim is found to be allowable.
3. Indicated that Claims 1-4 and 13-15 are currently deemed to be generic.
4. Required Applicants to additionally list all of the pending claims that they deem to be readable on the species that they elect.

5. Indicated that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims directed to additional species which are written in dependent form or otherwise include all of the limitations of the allowed generic claim.
6. Reminded Applicants that any claims added to this application must specify the species to which they are directed.
7. Reminded the Applicants of the requirements of 37 CFR 1.48(b) concerning a change in inventorship arising from the cancellation of claims directed to a non-elected invention.

No further comment concerning items 3, 5 and 6 is deemed to be required in this Response.

With respect to items 1 and 2, Applicants **hereby elect Species A (Figures 1-10, 14-16, 37-39)** for prosecution in the event that no generic claim is finally held to be allowable.

With respect to item 4, Applicants respectfully submit that **pending claims 1-8, 13-15, 18 and 19 are readable on Species A.**

With respect to item 7, Applicants note that no claims have been cancelled by the present response to the currently outstanding Official Action, and that hence no action under 37 CFR 1.48(b) needs to be considered at this time.

Finally, Applicants undersigned attorney is unable to confirm from his records the Examiner's comment concerning a telephone call made to him by the Examiner on 22 October 2002 concerning the present election requirement. It, therefore, is assumed that for reasons presently unknown the Examiner's call did not result in a discussion between the Examiner and the undersigned.

Applicants respectfully submit that this communication is fully responsive to the currently outstanding Official Action in the above-identified application. Early substantive consideration and allowance is respectfully requested.



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Applicants also believe that additional fees beyond those submitted herewith are not required in connection with the consideration of this response to the currently outstanding Official Action. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge and/or credit Deposit Account No. **04-1105**, as necessary, for the correct payment of all fees which may be due in connection with the filing and consideration of this communication.

Respectfully submitted,

Date: 24 March 2003

By: David A. Tucker  
David A. Tucker  
(Reg. No. 27,840)

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